

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL ANDREW KEATING, JR., )  
                                )  
                                )  
Plaintiff,                    )  
                                )  
                                )  
v.                             )                                   No. 4:08-CV-1885-DSD  
                                )  
                                )  
JIM SMITH, et al.,            )  
                                )  
                                )  
Defendants.                    )

ORDER

This matter is before the court upon the pro se motion for enlargement of time and to provide plaintiff with filings by plaintiff Michael Keating Jr. (Keating). Keating asserts that he did not receive the July 1, 2010, motion to dismiss by defendant Gene Smith (Smith). A party must file a memorandum opposing a motion within seven days after the motion is served. See E.D. Mo. LR 7-4.01. The Clerk of Court sent a copy of the motion to dismiss to Keating on September 24, 2010. Accordingly, **IT IS HEREBY ORDERED** that:

1. The motion for an extension of time and to provide plaintiff with filings [Doc. No. 85] is granted as to the extension and denied as moot as to the request to provide filings;
2. Keating may file a memorandum in opposition to Smith's motion by October 14, 2010; and

3. If Keating files a memorandum, Smith may file a response within seven days.

Dated: September 27, 2010

s/David S. Doty  
David S. Doty, Judge  
United States District Court